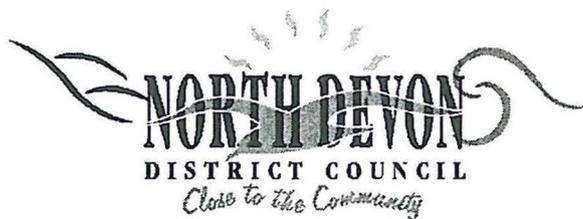


1/4/05



**IMPORTANT**

**THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**ENFORCEMENT NOTICE**

**OPERATIONAL DEVELOPMENT**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991)  
("the Act")**

**ISSUED BY: North Devon District Council ("the Council")**

1 **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears that there has been a breach of planning control, under Section 171A(1)(a) of the Act, at the land described below. The Council consider it expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED** (shown edged red on the plan attached)

Trevennon, (Fair Oak Farm) Braunton Road, Barnstaple EX31 4AW

(“The land”)

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

That the use of the land has changed from a mixed use of agriculture and Commercial vehicle repair yard, to:-

- 1) Repair and filling of domestic gas tanks. Approximate position shown outlined in blue on plan FOF1 appended hereto
- 2) Haulage and transportation business. Approximate position shown outlined in blue on plan FOF2 appended hereto
- 3) Storage of plant. Approximate position shown outlined in blue and shaded in green on plan FOF2 appended hereto

4. **REASONS FOR ISSUING THIS NOTICE**

The Council consider it expedient to issue this notice for the following reasons:

The development by virtue of the quantity, and colour of the gas tanks constitutes a conspicuous and alien feature in this countryside location resulting in visual detriment to the locality contrary to the provisions of Policy ST1 of the Devon Structure 2001-2016. also contrary to Policies DST1 , DSB7 and DE7 of the North Devon Local Plan and Polices ENV1, DVS1 and DVS3 of the North Devon Local Plan Revised Deposit.

The development constitutes an over intensive use of this site, displacing the authorised vehicle repair and maintenance business. The result of this displacement is encroachment of the authorised vehicle and repair maintenance business onto surrounding farmland resulting in visual detriment to this countryside location and to the residential amenities of the adjoining occupiers. Such development is contrary to Policies DB7 and DE7 of the North Devon Local Plan and Polices ENV1, DVS1 and DVS3 of the North Devon Local Plan Revised Deposit.

Limited visibility from and of vehicles using the access is likely to result in additional danger to all users of the A361 road and interference with the free flow of traffic, contrary to the provisions of Policy TR1 of the Devon Structure Plan 2001-2016, Policy DT10 of the North Devon Local Plan and Policy TRA6 of the North Devon Local Plan Revised Deposit.

**5. WHEN YOU ARE REQUIRED TO ACT**

The Council requires that the steps specified in paragraph 6 be undertaken within the period of 2 months from the date when this notice takes effect.

**6. WHAT YOU ARE REQUIRED TO DO**

- 1) Cease using the site for the mixed use of agricultural and commercial repair and refilling of the domestic gas tanks and remove the same
- 2) Cease the operation of the transport business from this site
- 3) Cease using the site for the operation of Adams Plant Hire
- 4) Clear up any debris resulting from the above action.
- 5) Return the land to its original condition-

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 1<sup>st</sup> April 2005 (“the effective date”)\* unless an appeal is made against it beforehand.

Dated : 1<sup>st</sup> March 2005.....

Signed : .....  
Solicitor, Legal Services Manager

on behalf of: North Devon District Council,  
Civic Centre,  
Barnstaple,  
North Devon.  
EX31 1EA.

-----  
\* specific date, not less than 28 clear days after date of service

## **GUIDANCE NOTES FOR YOUR INFORMATION**

### **YOUR RIGHT OF APPEAL**

**You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the effective date. The enclosed booklet “Enforcement Appeals - A Guide to Procedure” sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.**

### **WHAT HAPPENS IF YOU DO NOT APPEAL**

**If you do not appeal against this Enforcement Notice, it will take effect on the effective date and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.**

